



1742

PATENT APPLICATION

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Jeffrey D. Myers, Reg. No. 35,964

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: : Thomas P. Griego  
Serial No. : 10/074,666  
Examiner: : Nicolas, Wesley A  
Filed: : February 12, 2002  
Group Art Unit: : 1742  
For: : "Metal Hydride Composite Materials"

PROVISIONAL ELECTION WITH TRAVERSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated October 1, 2003, the Applicant provisionally elects Group I, (claims 1-7) and respectfully traverses the restriction requirement and requests that it be reconsidered.

The Examiner asserts the existence of two inventions: Group I, with claims 1-7 "drawn to a method of producing a composite power" and Group II, with claims 8-14, drawn to "a composite powder".

Applicant provisionally elects Group I.

Applicant does not agree that "the product as claimed can be made by another materially different process such as sintering or other powder metallurgy process". Sintering technology relates to fusing powder particles together. In contrast, Applicant's invention relates to a method of coating the individual dust particles. It is therefore unlikely that sintering technology could achieve the results of Applicant's invention.

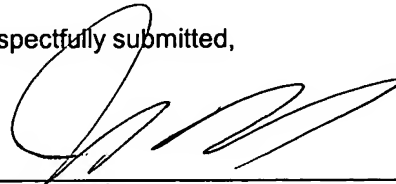
Yet another reason for withdrawal of the restriction requirement is that as a practical matter, it is submitted

very little additional effort and time would be required in examining all claims on the merits; particularly if the prior art developed by searching the method claims is also applicable to the product claims.

Applicant respectfully requests that the restriction requirement be reconsidered and withdrawn, and that all the claims of the Application proceed to an examination upon the merits.

Should the Examiner have any comments, questions or suggestions relating to a speedy disposition of the application, the Examiner is invited to call the undersigned at (505) 242-9677.

Respectfully submitted,



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